

REMARKS

Claims 1-3, 5, and 8-19 are pending in this application. Claims 4 and 6 are cancelled. The remaining claims are amended to place them into U.S. claiming convention to obviate the claim objections. New claim 20 is added. Applicants submit that no new matter has been added.

Claims 4 and 12 are rejected as being indefinite. Applicants have amended claims 4 and 12 to more clearly define the invention, and submit that claims 4 and 12 are now definite.

Claims 1-4, 8, 13, 17 and 19 stand rejected under 35 USC §102(e) as being anticipated by US Patent No. 5997580 (“Mastrorio”). Applicants respectfully traverse the rejection. Applicants have amended the claims to add limitations that are not depicted in Mastrorio. For example, Mastrorio does not depict a bone cement plug that includes, among other limitations, a sleeve having a cavity and being formed from a deformable material, an expander comprising a shaft having a distal end and a transverse portion that extends radially from the distal end of the shaft, and a washer configured to be disposed on the shaft, the washer having a plurality of radially slots formed therein extending from the outside edge of the washer toward the inside edge thereof, and wherein the expander is movable within the cavity from a distal position to a proximal position, whereat the washer contacts the internal cavity to cause the wall of the sleeve to expand transversely to contact the surface of the canal.

In particular, Figures 20 and 21 of Mastrorio do not depict an expander configured to be moved from a distal position to a proximal position to cause the expansion of the sleeve. Instead, Mastrorio depicts a balloon that expands radially to cause the sleeve to deform. In addition, Mastrorio also does not depict the washer element of the claim. As a result, Applicants submit that the amended claims define over Mastrorio and seek withdrawal of the rejection.

Claims 6 and 7 stand rejected under 35 USC §103(a) as being unpatentable over Mastrorio in view of US Patent No. 4011602 (“Rybicki”). Claims 6 and 7 have been cancelled, thereby mooted the rejection. Applicants, however, have amended claim 1 to add elements that are similar to what was claimed in claims 6 and 7, and therefore note that Rybicki does not teach or suggest the claimed washer element.

Claims 5, 9-12, 14-16 and 18 stand rejected under 35 USC §103(a) as being unpatentable over Mastrorio in view of various cited prior art. Applicant submits that for at least the reasons described above, these dependent claims are allowable over the cited combinations

at least because they depend upon claim 1 or claim 17, which are allowable over Mastrorio or the combination of Mastrorio and Rybicki. Applicants seek withdrawal of these rejections.

Applicant grants the PTO permission to charge the deposit account no. 10-0750/DEP5008/BST for any fees or charges related to this application. Applicant respectfully requests the Examiner to contact the below-signed if a discussion regarding the merits would advance prosecution of this case.

Respectfully submitted,

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